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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : RAYMON W. LUSH

GROUP NO.: 3643

SERIAL NO. : 10/827,034

EXAMINER: R. Swiatek

FILED : April 19, 2004

TITLE : SQUIRREL REPELLING HANGER FOR A BIRD  
FEEDER OR THE LIKE

**PETITION TO WITHDRAW HOLDING  
OF ABANDONMENT UNDER 37 C.F.R. 1.181**

Commissioner for Patents  
Alexandria, VA 22313

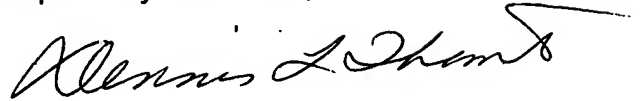
Dear Sir:

On August 30, 2006, I requested that my assistant, Susan Kelly, contact Examiner Robert Swiatek regarding the above-identified application because we had not had any response from the Patent Office with respect to a Second Amendment, Power of Attorney and Terminal Disclaimer which were faxed and mailed to the Patent Office on April 26, 2005. Examiner Swiatek examined his file and noted that a Notice of Allowance had been mailed from his art unit in May of 2005. The Notice of Allowance was erroneously mailed to Wang Laboratories in Massachusetts instead of the Thomte, Mazour & Niebergall law firm in Omaha, Nebraska. Wang Laboratories apparently received the Notice of Allowance and returned the same to Examiner Swiatek's art unit. A Notice of Abandonment was issued by the Patent Office after the

1 issue fee was not paid and said Notice of Abandonment was also erroneously mailed  
to Wang Laboratories in Massachusetts rather than the Thomte, Mazour & Niebergall  
law firm in Omaha, Nebraska. Examiner Swiatek stated to Ms. Kelly that it was  
completely the Patent Office's fault that the Notice of Allowance and Notice of  
5 Abandonment were sent to the wrong address and that no one in his art unit had  
noticed that the Wang Laboratories address was not where the Notices should have  
been mailed. Examiner Swiatek also stated that a Ms. Carolyn Cofer in his art unit  
had apparently inadvertently entered the wrong address for the Thomte, Mazour &  
Niebergall law firm at the time the Power of Attorney was received in April of 2005. A  
10 revised Notice Regarding Change of Power of Attorney is currently being prepared by  
Ms. Cofer and is to be forwarded to the Thomte, Mazour & Niebergall law firm. While  
speaking with Ms. Kelly, Examiner Swiatek checked the "PALM" system and the  
correct address for the Thomte law firm was in the system.

15 The undersigned attorney hereby requests that the Notice of Abandonment be  
rescinded and that Examiner Swiatek be allowed to revive the application and mail the  
Notice of Allowance to the Thomte, Mazour & Niebergall law firm as originally intended  
by Examiner Swiatek.

Respectfully submitted,

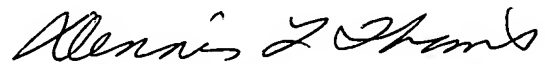


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CERTIFICATE OF MAILING

I hereby certify that the original of this PETITION TO WITHDRAW HOLDING OF ABANDONMENT for RAYMON W. LUSH, Serial No. 10/827,034, was mailed by first class mail, postage prepaid, to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30<sup>th</sup> day of August, 2006.



DENNIS L. THOMTE

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this PETITION TO WITHDRAW HOLDING OF ABANDONMENT for RAYMON W. LUSH, Serial No. 10/827,034 is also being facsimile transmitted to the Patent and Trademark Office on the date shown below and at facsimile number (571) 273-0025.



DENNIS L. THOMTE

Date: August 30, 2006